# PANT COOPERATION TREAT

From the INTERNATIONAL BUREAU
То:
Assistant Commissioner for Patents United States Patent and Trademark Office Box PCT Washington, D.C.20231 ÉTATS-UNIS D'AMÉRIQUE
in its capacity as elected Office
Applicant's or agent's file reference: H 3185 PCT
Priority date: 14 November 1997 (14.11.97)
de: y Examining Authority on: (05.05.99) national Bureau on:
date or, where Rule 32 applies, within the time limit under

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Authorized officer:

J. Zahra

Telephone No.: (41-22) 338.83.38

Facsimile No.: (41-22) 740.14.35

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# PANT COOPERATION TREAT

	From the	INTERNATIONAL BU	REAU
· PCT	To:		
NOTIFICATION OF THE RECORDING OF A CHANGE  (PCT Rule 92bis.1 and Administrative Instructions, Section 422)	Cogni Postfa D-405	IIS DEUTSCHLAND GN s IP ch 13 01 64 51 Düsseldorf MAGNE	ивн
Date of mailing (day/month/year)			
21 September 1999 (21.09.99)	<u> </u>		
Applicant's or agent's file reference H 3185 PCT		IMPORTANT NOTIF	FICATION
International application No. PCT/EP98/07059		al filing date (day/month/ye ovember 1998 (05.11.9	I I
The following indications appeared on record concerning:      X the applicant	the agent		n representative
Name and Address		State of Nationality DE	State of Residence DE
HENKEL KOMMANDITGESELLSCHAFT AUF AKTIEN Henkelstrasse 67 D-40589 Düsseldorf		Telephone No. 0211 797 7648	
Germany		Facsimile No. 0211 798 7607	
		Teleprinter No.	
2. The International Bureau hereby notifies the applicant that  X the person  X the name  X the ad	the following	change has been recorded the nationality	the residence
Name and Address		State of Nationality DE	State of Residence DE
COGNIS DEUTSCHLAND GMBH Postfach 13 01 64		Telephone No.	1 02
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Germany		Facsimile No.	
		0211 798 7607	
·		Teleprinter No.	
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4. A copy of this notification has been sent to:			
X the receiving Office		the designated Office	
the International Searching Authority		X the elected Offices co	ncerned
X the International Preliminary Examining Authority		other:	
	Authorize	d officer	
The International Bureau of WIPO 34, chemin des Colombettes	1	Yolaine CU	SSAC
1211 Geneva 20, Switzerland	Telephon	e No.: (41-22) 338.83.38	
Facsimile No.: (41-22) 740.14.35	Lierchinnii	J	

### PATT COOPERATION TREAT

	From the INTERNATIONAL BUREAU
PCT	То:
NOTIFICATION OF THE RECORDING OF A CHANGE  (PCT Rule 92bis.1 and Administrative Instructions, Section 422)	COGNIS DEUTSCHLAND GMBH Cognis IP Postfach 13 01 64 D-40551 Düsseldorf ALLEMAGNE
Date of mailing (day/month/year) 17 January 2000 (17.01.00)	
Applicant's or agent's file reference H 3185 PCT	IMPORTANT NOTIFICATION
International application No. PCT/EP98/07059	International filing date (day/month/year) 05 November 1998 (05.11.98)
The following indications appeared on record concerning:      The following indications appeared on record concerning:     The following indications appeared on record concerning:     The following indications appeared on record concerning:	the agent the common representative
Name and Address COGNIS DEUTSCHLAND GMBH	State of Nationality State of Residence DE DE
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	Facsimile No. 0211 798 7607 Teleprinter No.
2. The International Bureau hereby notifies the applicant that the person the name X the a	address the nationality the residence
Name and Address COGNIS DEUTSCHLAND GMBH	State of Nationality State of Residence DE DE
Henkelstrasse 67 D-40589 Düsseldorf Germany	Telephone No. 0211 797 7510
demini	Facsimile No. 0211 798 7607
	Teleprinter No.
Further observations, if necessary:     Please note that the address for corresponde unchanged.	nce as mentioned in the addressee Box remains
4. A copy of this notification has been sent to:	the designated Offices concerned
X the receiving Office the International Searching Authority	X the elected Offices concerned
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The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland	Authorized officer  N. Wagner
Facsimile No.: (41-22) 740.14.35	Telephone No.: (41-22) 338.83.38

USE OF MIXTURES OF ACTIVE AGENTS CONTAINING PHYTOSTENOL FOR PRODUCING HYPOCHOLESTEREMIC PREPARATIONS

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#### Field of the invention

The invention relates to the use of synergistic mixtures of phytostenols or phytostenol esters and conjugated fatty acids for producing preparations for decreasing the cholesterol content in the serum of warm-blooded animals.

#### Prior art

Hypocholesteremic active agents are understood 15 as meaning preparations which lead to a decrease in the cholesterol content in the serum of warm-blooded animals without an inhibition or lowering of the formation of cholesterol in the blood occurring. Phytostenols, i.e. plant stenols, and their esters with fatty acids have already been proposed for this purpose 20 by Peterson et al. in J. Nutrit. 50, 191 (1953). The Specifications US 3,089,939, US 3,203,862 well as the German Laid-Open Specification DE-A 2035069 (Procter & Gamble) also point in the same direction. 25 The active agents are customarily added to cooking or food oils and then ingested via the food, the amounts employed, however, as a rule being low and customarily below 0.5% by weight in order to prevent the food oils becoming cloudy or the stenols from 30 precipitated on addition of water. For use in foodstuffs area, in cosmetics, pharmaceutical preparations and in the agrarian sector, storage-stable emulsions of the stenol esters in sugar or polyglycerol esters are proposed in European Patent Application EP-A1 0289636 (Ashai). The incorporation of sitostanol 35 esters to decrease the blood cholesterol content in margarine, butter, mayonnaise, salad dressings and the like is proposed in European Patent Specification **EP-B1 0594612** (Raision).

The disadvantage, however, is that the phytostenol esters can customarily be added to the foodstuffs only in small amounts, as otherwise there is the danger that they will impair the taste and/or the consistency of the preparations. For a lasting effect on the cholesterol content in the blood, however, the intake of larger amounts of phytostenols or phytostenol esters would be desirable. Furthermore, the rate at which the substances decrease the content of cholesterol in the serum is worthy of improvement. The object of the invention consequently consisted in remedying these deficiencies.

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#### Description of the invention

The invention relates to the use of mixtures of active agents for producing hypocholesteremic preparations with the proviso that

- 20 (a) phytostenols and/or phytostenol esters and
  - (b) fatty acids having 6 to 24 carbon atoms and at least two conjugated double bonds or their glycerides

are employed.

Surprisingly, it has been found that mixtures of phytostenols or phytostenol esters with conjugated fatty acids or fatty acid glycerides synergistically cause the reduction of the cholesterol content in the blood serum. Encapsulated in gelatin or directly added to foodstuffs, both the mixtures of active agents can be taken orally without problems.

#### Phytostenols and phytostenol esters

Phytostenols (or synonymously phytosterols) are understood as meaning plant steroids which carry a hydroxyl group only on C-3, but otherwise no functional groups. As a rule, the phytostenols have 27 to 30 carbon atoms and a double bond in the 5/6, optionally 7/8, 8/9 or other positions. In addition to these unsatura-

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ted species, suitable stenols are also the saturated compounds obtainable by hardening, which are designated stanols and are additionally included by the present invention. Typical examples of suitable phytostenols are, for example, ergostenols, campestenols, stigmastenols, brassica stenols, and preferably sitostenols sitostanols and in particular  $\beta$ -sitostenols  $\beta$ -sitostanols. In addition to the phytostenols mentioned, their esters are preferably employed. The acid component of the ester can have its origin carboxylic acids of the formula (I)

 $R^1CO-OH$  (I)

in which R1CO is an aliphatic, linear or branched acyl 15 radical having 2 to 22 carbon atoms and 0 and/or 1, 2 or 3 double bonds. Typical examples are acetic acid, propionic acid, butyric acid, valeric acid, caproic acid, caprylic acid, 2-ethylhexanoic acid, capric acid, 20 lauric acid, isotridecanoic acid, myristic acid, palmitic acid, palmitoleic acid, stearic isostearic acid, oleic acid, elaidic acid, petroselinic acid, linoleic acid, linolenic acid, elaeostearic acid, arachic acid, gadoleic acid, behenic acid and erucic 25 acid, and their technical mixtures, which are obtained, for example, in the pressure cracking of natural fats and oils, in the reduction of aldehydes from Roelen's oxo synthesis or the dimerization of unsaturated fatty acids. Preferred technical fatty acids are those having 30 12 to 18 carbon atoms such as, for example, coconut, palmitic, palm kernel or tallow fatty acid. The use of esters of  $\beta$ -sitostenol or  $\beta$ -sitostanol with fatty acids having 12 to 18 carbon atoms is particularly preferred. These esters can be produced both by direct esterification of the phytostenols with the fatty acids or 35 else by transesterification with fatty acid lower alkyl esters or triglycerides in the presence of suitable catalysts, such as, for example, sodium ethylate or especially also enzymes [cf. EP-A2 0195311 (Yoshikawa)]. The hypocholesteremic action of phytostenols or phytostenol esters is disclosed, for example, in European Patent Specification **EP-B1 0594612** (Raision) and the literature cited therein.

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### Conjugated fatty acids

The term conjugated fatty acids is understood as meaning aliphatic carboxylic acids having 6 to 24, preferably 16 to 18, carbon atoms and at least two double bonds which are conjugated to one another, i.e. are separated by exactly one single bond. examples are the conjugated linoleic acid (CLA) conjugated fish fatty acids. It is known of conjugated linoleic acid that it has a low hypocholesteremic action; its use in foodstuffs or as a foodstuff supplement, however, is attributed to the fact that assists the combustion of endogenous fats EP-B1 0579901, WO 94/16690, WO 96/06605; (WARF)]. Instead of the conjugated fatty acids, the corresponding full or partial esters with glycerol can also be employed for reasons of taste and because of the better fat solubility.

#### Tocopherols

25 The mixtures of active agents may contain potentiating agents of the tocopherols type as further constituents. Tocopherols are understood as meaning chroman-6-ols (3,4-dihydro-2-H-1benzopyran-6-ols) substituted in the 2-position by 4,8,12-trimethyl-tridecyl radicals, which obey the formula (II)

(II)

in which  $R^2$ ,  $R^3$  and  $R^4$  independently of one another are hydrogen or a methyl group. Tocopherols belong to the

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bioquinones, i.e. polyprenylated 1,4-benzo- or naphthoquinones whose prenyl chains are saturated to a greater or lesser extent. Typical examples of tocopherols which are possible within the meaning of the invention as component (b) are ubiquinones, boviquinones, K vitamins and/or menaquinones (2-methyl-1,4-naphthoquinones). In of the tocopherols, a differentiation furthermore made between  $\alpha$ ,  $\beta$ ,  $\gamma$ -,  $\delta$ - and  $\epsilon$ -tocopherols, where the latter can still have the original unsaturated prenyl side chain, and  $\alpha$ -tocopherologuinone and -hydroquinone, in which the pyran ring system Preferably, opened. as component (b),  $\alpha$ -tocopherol (vitamin E) of the formula (II) is employed, in which and R<sup>4</sup> are methyl groups,  $\mathbb{R}^3$ or esters α-tocopherol with carboxylic acids having 2 to atoms, such as, for example,  $\alpha$ -tocopherol acetate or  $\alpha$ -tocopherol palmitate.

#### Chitosans

20 As further constituents, the mixtures of active agents can contain potentiating preparations of chitosans type. Chitosans are biopolymers included in the hydrocolloids group. Considered chemically, they are partially deacetylated chitins of 25 different molecular weights, which contain the following - idealized - monomer unit (III)

(III)

In contrast to most hydrocolloids, which are negatively charged in the biological pH region, chitosans are cationic biopolymers under these conditions. The positively charged chitosans can interact with oppositely charged surfaces and are therefore employed in cosmetic hair— and body-care preparations and

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pharmaceutical preparations (cf. Ullmann's Encyclopedia of Industrial Chemistry, 5th Ed., Vol. A6, Weinheim, Verlag Chemie, 1986, pp. 231-332). Overviews on this subject have also appeared, for example, by B. Gesslein et al. in HAPPI 27, 57 (1990), O. Skaugrud in Drug Cosm. Ind. 148, 24 (1991) and E. Onsoyen et al. in Seifen-Öle-Fette-Wachse 117, 633 (1991). To chitosans, chitin, preferably the shell remains from crustaceans, which are available in large amounts as cheap raw materials, is used as a starting material. In a process which has been described for the first time by Hackmann et al., the chitin is customarily first deproteinated by addition of bases, demineralized by addition of mineral acids and finally deacetylated by addition of strong bases, it being possible for the molecular weights to be distributed over a wide spectrum. Corresponding processes are known, for example, from Makromol. Chem. 177, 3589 (1976) or French Patent Application FR-A 2701266. In a preferred embodiment of the invention, a chitin degradation product, as is described in International Patent Application WO 96/16991 (Henkel), or its degradation product with hydrogen peroxide is employed.

### 25 Phytostenol sulfates

The mixtures of active agents can contain potentiating preparations of the phytostenol sulfates type as further constituents. Phytostenol sulfates are known substances which can be prepared, for example, by sulfation of phytostenols with a complex of sulfur trioxide and pyridine in benzene [cf. J. Am. Chem. Soc. 63, 1259 (1941)]. Typical examples are the sulfates of ergostenols, campestenols, stigmastenols and stenols. The phytostenol sulfates can be present as alkali metal and/or alkaline earth metal salts, alkylammonium, ammonium, alkanolammonium glucammonium salts. As a rule, they are employed in the form of their sodium salts.

#### (Deoxy) ribonucleic acids

mixtures of active agents can contain potentiating preparations of the (deoxy)ribonucleic acids type as further constituents. (Deoxy) -5 ribonucleic acids (DNA or RNA) are understood as meaning high molecular weight, threadlike polynucleotides which derived are from 2'-deoxy- $\beta$ -D-ribonucleosides or D-ribonucleosides, which their part in turn are synthesized from equivalent amounts of a nucleobase and the pentose 10 2-deoxy-D-ribofuranose or D-ribofuranose. As nucleobases, the DNA or RNA can contain the purine derivatives adenine and guanine and also the pyrimidines cytosine uracil. In the nucleic acids. the 15 nucleobases are linked N-glycosidically with carbon atom 1 of the ribose, adenosines, guanosines, cytidines and thymidines being formed in the individual case. In the acids, a phosphate group links the 5'-hydroxyl group of the nucleosides with the 3'-OH group of the following nucleoside in each case by means of a phos-20 phodiester bridge with formation of single-stranded DNA RNA. Because of the large ratio of length diameter, DNA and RNA molecules are prone, even on mechanical stress, for example during extraction, strand breakage. For this reason, the molecular weight 25 of the nucleic acids can reach 103 to 109 daltons. Within the meaning of the invention, concentrated DNA and RNA solutions are employed, which are distinguished by a liquid-crystalline behavior. Preferably, deoxy-30 and ribonucleic acids are employed which are obtained from marine sources, for example by extraction of fish sperm, and which have a molecular weight in the region from 40,000 to 1,000,000 daltons.

#### 35 Commercial applicability

The mixtures of active agents of the invention can contain the phytostenols and/or phytostenol esters and the conjugated fatty acids in the weight ratio 99:1 to 1:99, preferably 90:10 to 10:90, in particular 75:25

to 25:75 and particularly preferably 60:40 to 40:60. In a particular embodiment of the invention, the mixtures of active agents are encapsulated in gelatin manner known per se, components (a) and (b) in each being employed in amounts from 0.1 to 50, preferably 1 to 30, in particular 5 to particularly preferably 10 to 15, % by weight - based on the weight of the gelatin capsules. In addition, it is possible to dissolve or to disperse the mixtures in customary foodstuffs, such as, for example: butter, margarine, dietetic food, deep-frying oils, food oils, mayonnaises, salad dressings, cocoa products, sausage and the like.

#### 15 Examples

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### Examples 1 to 5, Comparative Examples C1 to C5

Gelatin capsules (weight about 1.5 g) having a content of 5 or 10% by weight of  $\beta$ -sitostenol or  $\beta$ -sitostenol ester and, if appropriate 5 or 10% by 20 weight of conjugated linoleic acid (CLA) and also 0.5% by weight of radiolabeled cholesterol were prepared. To investigate the hypocholesteremic action, (individual weight about 200 g) were allowed to fast overnight. The following day, a comminuted gelatin 25 capsule was introduced into the experimental animals in each case with some salt-containing water by means of a stomach tube. After 3, 6, 12, 24 and 48 h, blood was taken from the animals and the content of radioactive 30 cholesterol determined. was The results. represent the mean value of the measurements of experimental animals, are summarized in Table 1. The details on the decrease in the radioactivity are in each case interpreted with respect to a blind group of 35 experimental animals, to which only gelatin capsules having a content of 20% by weight of vitamin E and an appropriate amount of radiolabeled cholesterol had been administered. The mixtures 1 to 5 are according to the invention; the mixtures C1 to C5 serve for comparison.

Table 1

Hypocholesteremic action (quantitative data as % by weight based on gelatin capsule)

Composition	1	2	3;	4	5	C1	C2	сэ,	C4	C5 •
$\beta$ -Sitostenol	5	-	1	-	-	10	_	ı	-	_
$\beta$ -Sitostanol	_	5	1	ı	1	1	10	1	-	-
Lauric acid β-sitostenol										-
ester	_	<u> </u>	5	_	_		-	10	-	_
Lauric acid β-sitostanol										
ester	_		_	5	10	-	_	_	10	
Conjugated linoleic acid	5	5	5	5	5	_		-	-	10
Radioactivity [% rel]										
- after 3 h	93	93	93	93	93	93	93	93	93	98
- after 6 h	84	83	83	83	81	87	86	87	86	91
- after 12 h	75	75	75	74	71	79	79	78	78	87
- after 24 h	54	51	47	45	40	62	60	59	69	75
- after 48 h	23	21	22	19	12	35	32	35	32	60

The examples show the synergistic decrease in the cholesterol content in the blood when using mixtures of the stenols or stenol esters with CLA.

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#### Patent Claims

- 1. The use of mixtures of active agents 5 producing hypocholesteremic preparations, which comprises employing
  - phytostenols and/or phytostenol esters and
  - fatty acids having 6 to 24 carbon atoms and at least two conjugated double bonds or glycerides.
  - 2. The use as claimed in claim 1, wherein, component (a),  $\beta$ -sitostenol,  $\beta$ -sitostanol or its ester is employed.
- 3. The use as claimed in claims 1 and 2, wherein, 15 component (a), esters of β-sitostenol  $\beta$ -sitostanol with carboxylic acids of the formula (I) are employed

R<sup>1</sup>CO-OH (I)

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- in which R<sup>1</sup>CO is an aliphatic, linear or branched acyl radical having 2 to 22 carbon atoms and 0 and/or 1, 2 or 3 double bonds.
- 4. The use as claimed in claims 1 to 3, wherein, 25 component (a), esters of β-sitostenol  $\beta$ -sitostanol with fatty acids having 12 to 18 carbon atoms are employed.
  - 5. The use as claimed in claims 1 to 4, wherein, as component (b), conjugated linoleic acid (CLA) employed.
  - 6. The use as claimed in claims 1 to 5, wherein components (a) and (b) are employed in the weight ratio 99:1 to 1:99.
- The use as claimed in claims 1 to 6, wherein 35 components (a) and (b) are encapsulated in gelatin.
  - The use as claimed in claim 7, components (a) and (b) are in each case employed in

WO 99/2536

amounts from 0.1 to 50% by weight - based on the weight of the gelatin capsules.

- 9. The use as claimed in claims 1 to 6, wherein components (a) and (b) are added to foodstuffs.
- 5 10. The use as claimed in claim 1, wherein components (a) and (b) are dispersed in butter, margarine, dietetic food, deep-frying oils, food oils, mayonnaises, salad dressings, cocoa products, sausage and the like.

# **PCT**

### INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference H 3185 PCT	FOR FURTHER ACT	ION See Notific	cation of Transmittal of International Examination Report (Form PCT/IPEA/416)		
International application No. PCT/EP98/07059	International filing date 05 November 199				
International Patent Classification (IPC) or A61K 31/575	national classification and	IPC			
Applicant	COGNIS DEUTSCI	HLAND GMBH			
This international preliminary ex Authority and is transmitted to the	xamination report has bee applicant according to Art	n prepared by this icle 36.	International Preliminary Examining		
2. This REPORT consists of a total of	of 5 sheets, i	ncluding this cover	sheet.		
This report is also accomp	· · · ADDIEVEC : a	sheets of the descriptions	otion, claims and/or drawings which have rectifications made before this Authority		
These annexes consist of	a total ofs	neets.			
3. This report contains indications re	elating to the following item	ns:	•		
l Basis of the rep	ort	•			
II Priority					
III Non-establishm	nent of opinion with regard	to novelty, inventiv	e step and industrial applicability		
Lack of unity o	f invention				
Descend state	ment under Article 35(2) waxplanations supporting such	ith regard to novelty statement	y, inventive step or industrial applicability;		
VI Certain docum	ents cited				
VII Certain defects	s in the international applica	tion			
VIII Certain observ	ations on the international a	pplication	· .		
Date of submission of the demand		Date of completion	on of this report		
05 May 1999 (05	.05.99)	17	November 1999 (17.11.1999)		
Name and mailing address of the IPEA/	ΈP	Authorized office	ा		
Facsimile No.					



International application No.

### PCT/EP98/07059

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

I. Basis of the report			
1. This report has been drawn of under Article 14 are referred to i	n the basis of (Replacement sheets in this report as "originally filed"	s which have been furnished to the receiving Office in response to an invite and are not annexed to the report since they do not contain amendments	ition i.):
the international	application as originally filed.		
the description,	pages1-7	_, as originally filed,	•
	pages	, filed with the demand,	
	pages	, filed with the letter of	,
	pages	, filed with the letter of	— ·
	Nos. 1-10	as originally filed.	
the claims,		, as amended under Article 19,	
	Nos.	, filed with the demand,	
	Nos	, filed with the letter of	,
	Nos.	, filed with the letter of	
		,	
the drawings,	sheets/fig		
	sheets/fig	, filed with the letter of	,
	sheets/fig	, filed with the letter of	
	•	, med with the letter of	,
2. The amendments have resul			•
the description,	pages	_	
the claims,	Nos	<del>-</del>	
the drawings,	sheets/fig	_	
		to the direct hoor mode since they have been considered	
3. This report has been to go beyond the disc	established as if (some of) the a closure as filed, as indicated in	amendments had not been made, since they have been considered the Supplemental Box (Rule 70.2(c)).	
<u> </u>			
4. Additional observations, if	necessary:	•	
		•	
1			

### INTERNATIONAL PREMINARY EXAMINATION REPORT

rnational application No.
PCT/EP 98/07059

1-10 (see para. 1, Box V)

YES

NO

V.	Reasoned statement under Artic citations and explanations support	cle 35(2) with regard to novelty, orting such statement	inventive step or industrial appli	cability;
1.	Statement	·		
	Novelty (N)	Claims	1-10	YES
	novery (1 )	Claims		NO
	) visiting atom (IS)	Claims	1-10	YES
	Inventive step (IS)	Claims		NO

Claims

Claims

Claims

#### 2. Citations and explanations

Industrial applicability (IA)

- 1. The PCT does not contain uniform criteria for assessing the industrial applicability of Claims 1-10 in their present form. Patentability can also depend on the wording of the claims. The EPO, for example, does not recognise the industrial applicability of claims to the use of a compound in a medical treatment; it does, however, allow claims to the first use of a known compound in a medical treatment or to the use of such a compound in the manufacture of a drug for a new medical treatment.
- 2. Reference is made to the following documents:
- D1: WO-A-98/03084 (Nutricor Inc.)
- D2: WO-A-98/33494 (J. V. Kosbab)
- D3: Chemical Abstracts, Vol. 100, No. 208354: Hasegawa et al. [SOEC941d]83: "Hypocholesteraemic Effect of Linoleic Acid and Phytosterol", Joshi Eiyo Daigaku Kiyo, Vol. 14, pages 165-172.
- 3. D1 and D2 may become relevant during the national or regional phase to the novelty, and possibly also inventive step (should the priority not be valid), of the claims of the application (PCT Rule 64(3)).

### INTERNATIONAL PRESIMINARY EXAMINATION REPORT

PCT/EP 98/07059

Since the priority document was not available to the Examiner when establishing this report, it was assumed that the priority is valid. D1 and D2 have therefore not been used as the basis for an objection during the international phase. See Box VI.

4. Independent Claim 1 of the application is considered admissible under PCT Article 33(1)-(3), PCT Rules 64(1) and 65(1).

There is no prior art that discloses the subject matter of Claim 1. For this reason, this claim is novel. The closest prior art, Hasegawa et al. [SOEC941d]83 (D3), discloses oils with hypocholesteraemic effect which contain phytostenols and linoleic acids containing [SPEC0803]-sitosterol (=[SPEC0803]-sitostenol). Both [SPEC0803]-sitosterol and linoleic acid are hypocholesteraemic. D3 does not indicate that conjugated linoleic acid may also be used instead of linoleic acid.



# INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP98/07059

### VI. Certain documents cited

1. Certain published documents (Rule 70.10)

Application No. Patent No. Publication date (day/month/year)

Filing date (day/month/year)

Priority date (valid claim) (day/month/year)

WO-A-98 03084

29 January 1998 (29.01.1998)

17 July 1998 (17.07.1998)

18 July 1996 (18.07.1996)

WO-A-98 33494

06.08.98

04.02.1998

04.02.1997

17.04.1997

2. Non-written disclosures (Rule 70.9)

Kind of non-written disclosure

Date of non-written disclosure (day/month/year)

Date of written disclosure referring to non-written disclosure (day/month/year)

## INTERNATIONAL PRELIMINARY EXAMINATION REPORT

Inc. ational application No.
PCT/EP 98/07059

VII.	Certain	defects	in '	the	international	application
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The following defects in the form or contents of the international application have been noted:

 Contrary to PCT Rule 5.1(a)(ii), the description did not indicate the relevant prior art disclosed in documents D1-D3 and did not cite those documents.

VERTRAG ÜBER D

NTERNATIONALE ZUSAM NARBEIT AUF DEM

REC'D 1 8 NOV 1999

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# **PCT**

# INTERNATIONALER VORLÄUFIGER PRÜFUNGSBERICHT

(Artikel 36 und Regel 70 PCT)

Aktenzeichen de	s Anmelders oder Anwalts	`	siehe Mitteil	ung über die Übersendung des inte	rnationalen
H 3185 PCT		WEITERES VORGEHE		Prüfungsbericht (Formblatt PCT/IP	
Internationales A	Aktenzeichen	Internationales Anmeldedatur	m(Tag/Monat/Jahr)		
PCT/EP98/0		05/11/1998		14/11/1997	
		nationale Klassifikation und IPK			
A61K31/575					İ
		•			
Anmelder					
	UTSCHLAND GMBH				
			it des internation	onale vorläufigen Prüfung bea	uftragte
1. Dieser in	ternationale vorläufige Pr	üfungsbericht wurde von de nelder gemäß Artikel 36 übe	r mit der internatio ermittelt.	onale vorläufigen Prüfung bea	
Behörde	erstellt und wird dem Am	neider gomais / mine. e.e.			ļ
_		nt 5 Blätter einschließlich d	ieses Deckblatts.		
ì					
I □ Auß	erdem liegen dem Berich	t ANLAGEN bei; dabei hand	lelt es sich um Bl	ätter mit Beschreibungen, Ans bliegen, und/oder Blätter mit v	prüchen or dieser
und	oder Zeichnungen, die ge	eändert wurden und diesem	Bericht zugrunde 10 16 und Abschn	liegen, und/oder Blätter mit von itt 607 der Verwaltungsrichtlini	en zum PCT).
Beh	örde vorgenommenen be	inchiligurigen (siehe riogor)	<b>5.7.5 4.7. 1</b>		
Diese A	nlagen umfassen insgesa	mt Blätter.			
		a a la Booleana			
3. Dieser 8	Bericht enthält Angaben z	u folgenden Punkten:			
1	☐ Grundlage des Beric	hts			
	□ Duin mia Sa	•			dh-a deait
111	☐ Keine Erstellung eine	es Gutachtens über Neuheit	., erfinderische Tä	itigkeit und gewerbliche Anwei	ngbarkeit
iv	C. Marmalada Einhoitlic	bkeit der Erfindung		•	
V	Begründete Feststel gewerbliche Anwend	lung nach Artikel 35(2) hinsi Ibarkeit; Unterlagen und Erl	ichtlich der Neuhe därungen zur Stü	eit, der erfinderische Tätigkeit i tzung dieser Feststellung	ind do.
VI	☑ Bestimmte angeführ				
VII		ler internationalen Anmeldu	ng		}
VIII	☐ Bestimmte Bemerku	ıngen zur internationalen Ar	melaung		
İ					
Datum der E	inreichung des Antrags		Datum der Fertigst	ellung dieses Berichts	
				11 7. 11. 99	
05/05/199	9				
<u></u>	Postanschrift der mit der inten	nationalen vorläufigen	Bevollmächtigter B	lediensteter	SASONS MILAG
Name und F Prüfung bea	auftragten Behörde:	İ	-		
<u></u>	Europäisches Patentamt - F NL-2280 HV Rijswijk - Pays	P.B. 5818 Patentlaan 2	Kanbier, D		
1 611	NL-2280 TV MIJSWIJK - Pays	·			12-4/

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Tel. +31 70 340 - 2040 Tx: 31 651 epo nl

Internationales Aktenzeichen PCT/EP98/07059

l.	Grundlage	des	Berichts
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1. Dieser Bericht wurde erstellt auf der Grundlage (Ersatzblätter, die dem Anmeldeamt auf eine Aufforderung nach Artikel 14 hin vorgelegt wurden, gelten im Rahmen dieses Berichts als "ursprünglich eingereicht" und sind ihm

Artikel 14 hin vorgel nicht beigefügt, weil	egt wurden, gelten sie keine Änderung	gen enthalten.):	onome are arry	
Beschreibung, Seit	ten:			
1-7	ursprüngliche F	assung		
Patentansprüche,	Nr.:			
1-10	ursprüngliche l	Fassung		
2. Aufgrund der Ände	rungen sind folgen	de Unterlagen fortge	fallen:	
☐ Beschreibung				
☐ Ansprüche,	Nr.:			
☐ Zeichnungen,	Blatt:			•
<ol> <li>Etwaige zusätzlich</li> <li>V. Begründete Fesgewerblichen A</li> </ol>	ne Bernerkungen:	ikel 35(2) hinsichtli erlagen und Erklär	ch der Neuheit, der erfind ungen zur Stützung diese	erischen Tätigkeit und dei r Feststellung
1. Feststellung				
Neuheit (N)		Ja: Ansprūche Nein: Ansprūche	1-10 -	
Erfinderische Tä	tigkeit (ET)	Ja: Ansprūche Nein: Ansprūche	1-10	
Gewerbliche An	wendbarkeit (GA)	Ja: Ansprüche Nein: Ansprüche	1-10 (Siehe Punkt 1 der S -	ektion V)
2. Unterlagen und	Erklärungen			

siehe Beiblatt

Internationales Aktenzeichen PCT/EP98/07059

## VI. Bestimmte angeführte Unterlagen

- Bestimmte veröffentlichte Unterlagen (Regel 70.10)
   und / oder
- Nicht-schriftliche Offenbarungen (Regel 70.9)
   siehe Beiblatt

# VII. Bestimmte Mängel der internationalen Anmeldung

Es wurde festgestellt, daß die internationale Anmeldung nach Form oder Inhalt folgende Mängel aufweist: siehe Beiblatt



### Zu Punkt V

Begründete Feststellung nach Artikel 35(2) hinsichtlich der Neuheit, der erfinderischen Tätigkeit und der gewerblichen Anwendbarkeit; Unterlagen und Erklärungen zur Stützung dieser Feststellung

- Für die Beurteilung der Frage, ob die Gegenstände der vorliegenden Ansprüche 1. 1-10 gewerblich anwendbar sind, enthält der PCT keine eindeutigen Kriterien. Die Patentierbarkeit kann auch von der Formulierung der Ansprüche abhängen. Das EPA beispielsweise erkennt den Gegenstand von Ansprüchen, die auf die medizinische Anwendung einer Verbindung gerichtet sind, nicht als gewerblich anwendbar an; es können jedoch Ansprüche zugelassen werden, die auf eine bekannte Verbindung zur erstmaligen medizinischen Anwendung und die Verwendung einer solchen Verbindung zur Herstellung eines Arzneimittels für eine neue medizinische Anwendung gerichtet sind.
  - Es wird auf die folgenden Dokumente verwiesen: 2.
  - D1= WO-A-98 03084 (Nutricor Inc.)
  - D2= WO-A-98 33494 (J.V. Kosbab)
  - D3= Chemical Abstracts vol. 100, nr. 208354: Hasegawa et al [SPEC041d]83: "Hypocholesteremic Effect of Linoleic Acid and Phytosterol", Joshi Eiyo Daigaku Kiyo vol. 14, pages 165-172.
  - D1 und D2 können in der nationalen- oder regionalen Phase für die Neuheit, und 3. möglicherweise auch für die erfinderische Tätigkeit (im Falle einer ungültigen Priorität) der Anspruche der Anmeldung von Bedeutung werden (Regel 64(3) PCT). Weil den Prioritätsbeleg während der Abfassung dieses Bescheids dem Prüfer nicht zur Verfühgung stand, wurde davon ausgegangen, daß die Priorität gültig ist. D1 und D2 sind also in der internationalen Phase nicht als Basis für einen Einwand verwendet worden. Siehe Sektion VI.



Der unabhängige Anspruch 1 der Anmeldung wird für gewährbar erachtet (Art. 4. 33(1)-(3) und Regeln 64(1) und 65(1) PCT). Es gibt kein Stand der Technik, der den Gegenstand des Anspruch 1 offenbart. Deswegen ist dieser Anspruch neu. Der nächste Stand der Technik, Hasegawa et al [SPEC041d]83 (D3), offenbart Öle mit hypocholesteremischer Wirkung, die [SPEC0803]-Sitosterol- (= [SPEC0803]-Sitostenol) enthaltende Phytostenole und Linolsäure enthalten. Sowohl das [SPEC0803]- Sitosterol als auch die Linolsäure sind hypocholesteremisch. Es wird in D3 nicht angegeben, daß man statt

### Zu Punkt VI Bestimmte angeführte Unterlagen

Bestimmte veröffentlichte Unterlagen (Regel 70.10)

Linolsäure auch konjugierte Linolsäure einsetzen kann.

			Prioritätsdatum
Anmelde Nr. Patent Nr.	Veröffentlichungsdatum (Tag/Monat/Jahr)	Anmeldedatum (Tag/Monat/Jahr)	(zu Recht beansprucht) (Tag/Monat/Jahr)
WO-A-98 03084	29.01.1998	17.07.1998	18.07.1996
WO-A-98 33494	06.08.1998	04.02.1998	04.02.1997
	00.00		17.04.1997

#### Zu Punkt VII

## Bestimmte Mängel der internationalen Anmeldung

Im Widerspruch zu den Erfordernissen der Regel 5.1 a) ii) PCT werden in der Beschreibung weder der in den Dokumenten D1-D3 offenbarte einschlägige Stand der Technik noch diese Dokumente angegeben.

71



### PCT

# INTERNATIONALER RECHERCHENBERICHT

(Artikel 18 sowie Regeln 43 und 44 PCT)

ktenzeichen des Anmelders oder Anwalts	WEITERES	Dacharchenberi	über die Übermittlung des internationalen chts (Formblatt PCT/ISA/220) sowie, soweit istehender Punkt 5
3185 PCT	1		(Frühestes) Prioritätsdatum (Tag/Monat/Jahr,
ternationales Aktenzeichen	Internationales Anr (Tag/Monat/Jahr)	neiueuatum	1
OT/FD 09/07050	05/11	1/1998	14/11/1997
CT/EP 98/07059			
nmelder			•
ENKEL KOMMANDITGESELLSCH	ET AUF AKTIF	N et al.	
ENKEL KOMMANDITGESELLSCHA	TI AUT ARTIE		
			weite erstellt und wird dem Anmelder gemäß
Dieser internationale Recherchenbericht wu	rde von der Internatio	nalen Recherchenbe ibermittelt.	hörde erstellt und wird dem Anmelder gemäß
vieser internationale Recherchenbericht wu rtikel 18 übermittelt. Eine Kopie wird dem	Internationalen Bara a	•	·
	t- Ot inconcernt 4	Blätt	er.
ser internationale Recherchenbericht un	ntaist insgesamt <u> </u>	in diesem Bericht ge	nannten Unterlagen zum Stand der Technik bei.
Darüber hinaus liegt initi	ewells elife Ropio do.		
O None des Pariable			<del>.</del>
Grundlage des Berichts  1. Grundlage des Berichts  1. Grundlage des Berichts  1. Grundlage des Berichts  1. Grundlage des Berichts  1. Grundlage des Berichts	iternationale Recherci	he auf der Grundlage	der internationalen Anmeldung in der Sprache kt nichts anderes angegeben ist.
durchgeführt worden. In der sie e	ngereioni waras, ss		
durongorams treated, and a second	at a lat out don Onind	llage einer hei der Re	hörde eingereichten Übersetzung der internationalen
Die internationale Reche Anmeldung (Regel 23.1	che ist auf der Grund	naye emer berder be en.	
	L. A - maldung offer	shartan Nucleotid- UI	nd/oder Aminosäuresequenz ist die internationale das
			das
in der internationalen An	meldung in Schrilliche	Form entiretter ion	
zusammen mit der interr	ationalen Anmeldung	in computerlesbarer	Form eingereicht worden ist.
hei der Behörde nachträ	glich in schriftlicher Fo	orm eingereicht worde	en ist.
=	. it also the anomaly to rioch:	arer Form eingereicht	worden ist.
	LIVE STATE ALBOROTOIC	hta schriftliche Seaus	EUSDLOGOKOII LIICHI apei aeti Olicilbararia a
Die Erklärung, daß das internationalen Anmeldu	ng im Anmeldezeitpu	nkt hinausgeht, wurd	e vorgelegt. ::
Die Erklärung, daß die i	n computerlesbarer Fo	orm erfaßten Intorma	tionen dem schriftlichen Sequenzprotokoll entspreche
wurde vorgelegt.			
2. X Bestimmte Ansprüche	haben sich als nich	it recherchierbar erv	viesen (siehe Feld I).
	keit der Erfindung (	siehe Feld II).	
3. Mangeinde Emilientici			
4. Hinsichtlich der Bezeichnung der	Erfinduna		
4. Hinsichtlich der Bezeichnung der wird der vom Anmelder	eingereichte Wortlau	t genehmigt.	
		+ footgocotzt:	
Wurde der Wortlaut von	CTENOL FNTHAL	TENDER WIRKS	TOFFMISCHUNGEN ZUR HERSTELLUNG
VERWENDUNG VON PHYTO VON HYPOCHOLESTERINA	MISCHEN MITTE	ELN	
VOIL THE SOME ESTATEMENT			
5. Hinsichtlich der Zusammenfassui	ıg		
		ut genehmigt.	Faccing von der Rehörde festnesetzt. Der
wurde der Wortlaut na Anmelder kann der Be	ch Regel 38.2b) in de hörde innerhalb eines ne Stellungnahme vo	r in Feid III angegebe 3 Monats nach dem D riegen.	nen Fassung von der Behörde festgesetzt. Der latum der Absendung dieses internationalen
6. Folgende Abbildung der Zeichnut	gen ist mit der Zusan	nmenfassung zu verö	offentlichen: Abb. Nr.
wie vom Anmelder vo	geschlagen		keine der Abb.
weil der Anmelder sel	ost keine Abbildung v	orgeschlagen hat.	
weil diese Abbildung	lie Erfindung besser k	cennzeichnet.	
	THE PRINCIPLE DESCRIPTION OF		

Feld I Bemerkungen zu den Ansprüchen, die sich als nicht recherchierbar erwiesen haben (Fortsetzung von Punkt 2 auf Blatt 1)
Gemäß Artikel 17(2)a) wurde aus folgenden Gründen für bestimmte Ansprüche kein Recherchenbericht erstellt:
1. X Ansprüche Nr. 1-10 weil sie sich auf Gegenstände beziehen, zu deren Recherche die Behörde nicht verpflichtet ist, nämlich  Bemerkung: Obwohl die Ansprüche 1-10 sich auf ein Verfahren zur Behandlung des menschlichen/tierischen Körpers beziehen, wurde die Recherche durchgeführt und gründete sich auf die angeführten Wirkungen der Verbindung/Zusammensetzung.
2. Ansprüche Nr. weil sie sich auf Teile der internationalen Anmeldung beziehen, die den vorgeschriebenen Anforderungen so wenig entsprechen, weil sie sich auf Teile der internationalen Anmeldung beziehen, die den vorgeschriebenen Anforderungen so wenig entsprechen, daß eine sinnvolle internationale Recherche nicht durchgeführt werden kann, nämlich
3. Ansprüche Nr. weil es sich dabei um abhängige Ansprüche handelt, die nicht entsprechend Satz 2 und 3 der Regel 6.4 a) abgefaßt sind.
Feld II Bemerkungen bei mangelnder Einheitlichkeit der Erfindung (Fortsetzung von Punkt 3 auf Blatt 1)
Die internationale Recherchenbehörde hat festgestellt, daß diese internationale Anmeldung mehrere Erfindungen enthält:
Da der Anmelder alle erforderlichen zusätzlichen Recherchengebühren rechtzeitig entrichtet hat, erstreckt sich dieser internationale Recherchenbericht auf alle recherchierbaren Ansprüche.
2. Da für alle recherchierbaren Ansprüche die Recherche ohne einen Arbeitsaufwand durchgeführt werden konnte, der eine zusätzliche Recherchengebühr gerechtfertigt hätte, hat die Behörde nicht zur Zahlung einer solchen Gebühr aufgefordert.
3. Da der Anmelder nur einige der erforderlichen zusätzlichen Recherchengebühren rechtzeitig entrichtet hat, erstreckt sich dieser internationale Recherchenbericht nur auf die Ansprüche, für die Gebühren entrichtet worden sind, nämlich auf die Ansprüche Nr.
4. Der Anmelder hat die erforderlichen zusätzlichen Recherchengebühren nicht rechtzeitig entrichtet. Der internationale Recherchengebühren nicht rechtzeitig entrichtet. Der internationale Recherchenschen zusätzlichen zuerst erwähnte Erfindung; diese ist in folgenden Ansprüchen erfaßt:
Bemerkungen hinsichtlich eines Widerspruchs  Die zusätzlichen Gebühren wurden vom Anmelder unter Widerspruch gezahlt.
Die Zahlung zusätzlicher Recherchengebühren erfolgte ohne Widerspruch.

# INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen P 98/07059

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A. KLASSIFIZ	ZIERUNG DES ANMELDUNGSE	PENSTANDED
TPK 6	A61K31/575	

Nach der Internationalen Patentklassifikation (IPK) oder nach der nationalen Klassifikation und der IPK

### B. RECHERCHIERTE GEBIETE

Recherchierter Mindestprüfstoff (Klassifikationssystem und Klassifikationssymbole )

A61K A23L A23D IPK 6

Recherchierte aber nicht zum Mindestprüfstoff gehörende Veröffentlichungen, soweit diese unter die recherchierten Gebiete fallen

Während der internationalen Recherche konsultierte elektronische Datenbank (Name der Datenbank und evtl. verwendete Suchbegriffe)

	SENTLICH ANGESEHENE UNTERLAGEN  Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teile	Betr. Anspruch Nr.
Kategorie°	Reselecturing der verstreitering and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analysis and an analys	
- ·	WO 98 03084 A (NUTRICOR INC)	1,2,5,6,
Ρ,Χ	00 January 1008	9,10
	siehe Seite 17, Zeile 1-12; Ansprüche	
	13,15	
	siehe Seite 12, Zeile 22-36	
	siehe Seite 13	
	<del></del>	1,2,5,6
D V	WO 98 33494 A (KOSBAB JOHN V)	1,2,3,0
P,X	1 · a A., m., a ± 1002	7
P,A	sighe Seite 14. Zeile 24 - Seite 15, Zeile	'
, ^	20. Anspruch 1; labelle 1	
	l sighe Seite 20. Zelle 14	
	sighe Seite 21. Zeile 24-30	
	1	
	siehe Seite 32, Zeile 29 - Seite 33, Zeile	
	3. Tahelle 4	
	l sighe Seite 34. Zeile 20-30	
l	siehe Seite 48; Tabelle 3	
1	_/	
1	/	
	Veitere Veröffentlichungen sind der Fortsetzung von Feld C zu  X Siehe Anhang Patentfamilie	

"A "E	" Veröffentlichung, die den allgemeinen Stand der Technik definiert, aber nicht als besonders bedeutsam anzusehen ist " älteres Dokument, das jedoch erst am oder nach dem internationalen Anmeldedatum veröffentlicht worden ist " Veröffentlichung, die geeignet ist, einen Prioritätsanspruch zweifelhaft erscheinen zu lassen, oder durch die das Veröffentlichungsdatum einer anderen im Recherchenbericht genannten Veröffentlichung belegt werden soll oder die aus einem anderen besonderen Grund angegeben ist (wie	T" Spätere Veröffentlichung, die nach dem internationalen Anmeldedatum oder dem Prioritätsdatum veröffentlicht worden ist und mit der Anmeldung nicht kollidiert, sondern nur zum Verständnis des der Erfindung zugrundeliegenden Prinzips oder der ihr zugrundeliegenden Theorie angegeben ist "X" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann allein aufgrund dieser Veröffentlichung nicht als neu oder auf erfinderischer Tätigkeit beruhend betrachtet werden "Y" Veröffentlichung von besonderer Bedeutung; die beanspruchte Erfindung kann nicht als auf erfinderischer Tätigkeit beruhend betrachtet werden, wenn die Veröffentlichung mit einer oder mehreren anderen Veröffentlichungen dieser Kategorie in Verbindung gebracht wird und
\ - -	ausgeführt) O" Veröffentlichung, die sich auf eine mündliche Offenbarung, eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht eine Benutzung, eine Ausstellung oder andere Maßnahmen bezieht Veröffentlichung, die vor dem internationalen Anmeldedatum, aber nach dem beanspruchten Prioritätsdatum veröffentlicht worden ist	"&" Veröffentlichung, die Mitglied derselben Patentfamilie ist
[	dem beanspruchten Prioritatsdatum Verbinshalten Datum des Abschlusses der internationalen Recherche	Absendedatum des internationalen Recherchenberichts
	14. April 1999	27/04/1999
-	Name und Restarschrift der Internationalen Recherchenbehörde	Bevollmächtigter Bediensteter
	Europäisches Patentamt, P.B. 5818 Patentlaan 2 NL - 2280 HV Rijswijk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Kanbier, D

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# INTERNATIONALER RECHERCHENBERICHT

Internationales Aktenzeichen
P 98/07059

(ategorie°	ing) ALS WESENTLICH ANGES NE UNTERLAGEN  Bezeichnung der Veröffentlichung, soweit erforderlich unter Angabe der in Betracht kommenden Teil	le Betr. A	Anspruch Nr.
<b>A</b>	CHEMICAL ABSTRACTS, vol. 100, no. 25, 18. Juni 1984 Columbus, Ohio, US; abstract no. 208354, HASEGAWA ET AL: "Hypocholesteraemic Effect of Linoleic Acid and Phytosterol" XP002099834 siehe Zusammenfassung & HASEGAWA ET AL: JOSHI EIYO DAIGAKU KIYO, Bd. 14, 1983, Seiten 165-172,		1,2,5,6, 9,10
A	DE 24 08 067 A (PROCTER & GAMBLE) 5. September 1974 siehe Seite 1 - Seite 2, Absatz 1 siehe Seite 3, Absatz 2; Ansprüche 1-4 siehe Seite 5, Absatz 4 siehe Seite 7, Absatz 2 - Seite 8		1-4,6,9,
A	CHEMICAL ABSTRACTS, vol. 93, no. 5, 4. August 1980 Columbus, Ohio, US; abstract no. 41530, FUNES ET AL: XP002099835 siehe Zusammenfassung & FUNES, CATTANEO: "Studies on the Prunus (Rosaceae) Seeds of Argentine Production. I. Oils of the Seed of Peach, Apricot, Plum, Cherry etc." AN. ASOC. QUIM. ARGENT., Bd. 66, Nr. 5, 1978, Seiten 239-253,		1,2,6,9

### INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No
PC 98/07059

Patent document cited in search report		Publication date		ratent family member(s)	Publication date
WO 9803084	Α	29-01-1998	AU	3887597 A	10-02-1998
WO 9833494	Α	06-08-1998	AU	6141498 A	25-08-1998
DE 2408067	A	05-09-1974	US BE CA FR GB JP JP JP	3865939 A 811452 A 1024814 A 2218838 A 1413102 A 1135221 C 50040605 A 57026732 B 7402426 A,C	11-02-1975 22-08-1974 24-01-1978 20-09-1974 05-11-1975 14-02-1983 14-04-1975 07-06-1982 27-08-1974

**Application No** PCT/EP 98/07059

# A. CLASSIFICATION OF SUBJECT MATTER IPC 6 A61K31/575

According to International Patent Classification (IPC) or to both national classification and IPC

#### B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)  $IPC \ 6 \quad A61K \quad A23L \quad A23D$ 

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

Category '	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Р,Х	WO 98 03084 A (NUTRICOR INC) 29 January 1998	1,2,5,6, 9,10
	see page 17, line 1-12; claims 13,15 see page 12, line 22-36	
	see page 13	
P,X	WO 98 33494 A (KOSBAB JOHN V)	1,2,5,6
P,A	6 August 1998 see page 14, line 24 - page 15, line 20;	7
	claim 1; table 1 see page 20, line 14	
	see page 21, line 24-30 see page 33, line 19-25	
	see page 32, line 29 - page 33, line 3; table 4	
	see page 34, line 20-30 see page 48; table 3	

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Further documents are listed in the continuation of box C.	Patent family members are listed in annex.
*Special categories of cited documents:  "A" document defining the general state of the art which is not considered to be of particular relevance  "E" earlier document but published on or after the international filling date  "L" document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)  "O" document referring to an oral disclosure, use, exhibition or other means  "P" document published prior to the international filling date but later than the priority date claimed	"T" later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention.  "X" document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone.  "Y" document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combined with one or more other such documents, such combination being obvious to a person skilled in the art.  "8" document member of the same patent family
Date of the actual completion of the international search	Date of mailing of the international search report
14 April 1999	27/04/1999
Name and mailing address of the ISA	Authorized officer
European Patent Office, P.B. 5818 Patentiaan 2 NL - 2280 HV Rijswäk Tel. (+31-70) 340-2040, Tx. 31 651 epo nl, Fax: (+31-70) 340-3016	Kanbier, D

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Internat. | Application No. PCT/EP 98/07059

C.(Contini	ation) DOCUMENTS CONSIDERED TO BE RELEVANT	 ······································
Category °	Citation of document, with indication,where appropriate, of the relevant passages	 Relevant to claim No.
A	CHEMICAL ABSTRACTS, vol. 100, no. 25, 18 June 1984 Columbus, Ohio, US; abstract no. 208354, HASEGAWA ET AL: "Hypocholesteraemic Effect of Linoleic Acid and Phytosterol" XP002099834 see abstract & HASEGAWA ET AL: JOSHI EIYO DAIGAKU KIYO, vol. 14, 1983, pages 165-172,	1,2,5,6,9,10
A	DE 24 08 067 A (PROCTER & GAMBLE) 5 September 1974 see page 1 - page 2, paragraph 1 see page 3, paragraph 2; claims 1-4 see page 5, paragraph 4 see page 7, paragraph 2 - page 8	1-4,6,9,
A	CHEMICAL ABSTRACTS, vol. 93, no. 5, 4 August 1980 Columbus, Ohio, US; abstract no. 41530, FUNES ET AL: XP002099835 see abstract & FUNES, CATTANEO: "Studies on the Prunus (Rosaceae) Seeds of Argentine Production. I. Oils of the Seed of Peach, Apricot, Plum, Cherry etc." AN. ASOC. QUIM. ARGENT., vol. 66, no. 5, 1978, pages 239-253,	1,2,6,9

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### INTERIATIONAL SEARCH REPORT

information on patent family members

Internal I Application No PCT/EP 98/07059

Patent document cited in search report		Publication date		Patent family member(s)	Publication date
WO 9803084	Α	29-01-1998	AU	3887597 A	10-02-1998
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DE 2408067	Α	05-09-1974	US	3865939 A	11-02-1975
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			JP	1135221 C	14-02-1983
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			JP	57026732 B	07-06-1982
			NL	7402426 A.C	27-08-1974

Box I	Observations where certain claims were found unsearchable (Continuation of item 1 of first sheet)				
This inte	This international search report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:				
1.	Claims Nos.: Claim nos.: 1-10 because they relate to subject matter not required to be searched by this Authority, namely:				
	Remark: Although claims 1-10 relate to a method for treating the human/animal body, the search was carried out and was based on the cited effects of the compound/composition.				
2.	Claims Nos.: because they relate to parts of the international application that do not comply with the prescribed requirements to such an extent that no meaningful international search can be carried out, specifically:				
3.	Claims Nos.: because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).				
Вох П	Observations where unity of invention is lacking (Continuation of item 2 of first sheet)				
This Inte	mational Searching Authority found multiple inventions in this international application, as follows:				
1.	As all required additional search fees were timely paid by the applicant, this international search report covers all searchable claims.				
2.	As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.				
3.	As only some of the required additional search fees were timely paid by the applicant, this international search report covers only those claims for which fees were paid, specifically claims Nos.:				
4.	No required additional search fees were timely paid by the applicant. Consequently, this international search report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:				
Remark	on Protest  The additional search fees were accompanied by the applicant's protest.  No protest accompanied the payment of additional search fees.				